

1873-001
Lee Co.

CHANCERY CAUSES: A. M. Ely, surv. &c vs. John W. Colson

A. M. Ely & Co., Cook, 4 1/2 miles, Colson

CA-Debt

To the Honorable Henry L. Morgan Judge of
the County Court of Lee County -

The bill of Complaint of A. M. Ely
surviving partner of himself and Charles Leach
and F. S. Miles deceased late merchants and
partners trading under the firm style and
name of A. M. Ely & Co. who was for the
benefit of John M. Leach and Charles S. Leach
administrators of the estate of Charles Leach
deceased, humbly complaining sheweth unto
your Honor, that one John W. Holson late of
this County became indebted to the said firm
and on the 2^d day of October 1856, executed his
writing obligatory sealed with his seal and signed
with his proper name, the date whereof is the
day and year aforesaid, whereby the said
Holson bound himself to pay the said firm
on or before the first day of November, next
after the date thereof the sum of \$7.55 which
said sum is still wholly unpaid, and due your
complainant; the said bond evidencing the
same is herewith filed marked "A" and is
prayed to be considered herewith -

The said Holson was also indebted to the said
firm in the sum of \$7.50 for which he on
the 3^d day of January 1856, executed his cer-
tain after writing obligatory binding himself
to pay said firm by their firm name the said
sum of \$7.50. one day after the date thereof

This land is also wholly unpaid, and is still due your orator, and is also filed here with marked "B." and is prayed to be considered hereunto. Your complainant further alleges that the said John Colson has removed from this Commonwealth, and now resides in the State of Kentucky, but that he owns, and interest in a tract of land situated in this County, in the neighborhood, Cumberland Gap, on the main Virginia road leading thereto, and near to and perhaps adjoining the lands of its estate of R. M. Ely deceased, the rents and profits of which will not in five years pay said debts, This land is the same owned by his late father Snow Colson now deceased and on which his mother Sarah Colson now resides. The object of this bill is to subject said lands to the payment of your orator's claim, and to sell so much thereof as will pay and discharge the same - Your Complainant's prayer therefore is that said John W. Colson be made a party defendant to this bill and answer its allegations on oath that upon a hearing a decree be rendered in conformity to the object of this bill and for all other further and general relief that may appear.

Vagan A. Volynov

H.P.

S. M. Ely Surrogate

vs } Bill Ely

John W. Colson

Exhibits A & B. filed -

1872 Sept 19th Bill filed, O. P.

" Oct Conts for O. P.

" Nov " for O. P.

" Dec " " " "

1873 Jan 1st Bill filed, O. P.

" Feb " " " "

" March " for business by Bill.

" April Decree for Sale

" Co. General

" 20th Decree dismissing

to 6.61

A. M. Ely & Son v. for r.

vs.

John W. Calson

} In law

For Reasons appearing to the Court. The decree entered in this cause on yesterday is set aside and thereupon the cause came on to be heard upon the bill and exhibits therewith, and was argued by counsel, and it appearing to the Court that the claim sought to be recovered and enforced is less than \$20.00 and the Court being of opinion that it has no jurisdiction thereof. It is therefore adjudged ordered and decreed that the said bill be dismissed.

A. M. Ely & Co.

vs. } Decem

}
John H. Colson
Entered Order Book page
266.
James H. Welch

Enter Tico Decem

H. Morgan

April 23/73

A M Ely Sur for &c.
against
John M. Colson

Plff } In leg
Deft }

This Cause come on this day to be heard
on the bill of the plaintiff which filed and
was argued by Counsel And it appearing that
process has been duly executed on the defendant
who fails to appear, the bill is therefore taken
for confessed. On consideration whereof it
~~appears~~ is adjudged ordered and decreed that
the plaintiff for the beneficiaries John M. & Chas.
Latham administrators of the estate of Charles
Latham dec'd; recover against the defendant
the sum of \$17.65 with interest on \$9.55
paid thereof from the 3rd of October 1856 and
interest on \$7.50 the residue from the 4th day
of January 1856 till paid and the costs of
this Suit. And it also appearing that an attachment
has been sued out in this case ^{from the 20th of September 1872} and levied upon
the land endorsed upon the writ as the property of
the defendant to the extent of his interest, which
land lies in said County near Cumberland Gap and
descended to the said defendant from his father
~~and is now in the possession of But their claim~~
~~not being satisfied that the rents and profits of this~~
~~land will not pay the amount of this decree with~~
~~costs with interest~~ It is therefore ~~further~~ adjudged
and decreed that Charles Latham Sheriff of this County
procure and sell said lands owned by defendant
or such part thereof as may be necessary to pay
the amount of this decree and costs of sale. The land
is directed to be sold upon the premises upon a credit
of 12 months the purchaser giving bond with security
for the payment of the purchase money bearing interest
from the day of sale and waiving their homestead
exemption of which sale and its terms due notice
will be posted in the neighborhood at least
20 days previous to such sale, The said
Sheriff will report his action to this Court and
the cause is continued But before the plaintiff
or beneficiaries are entitled to the benefit of this decree
they are required to execute bond before the clerk of
this Court in the penalty of \$100.00 and make payable
to the defendant Conditioned to perform such future

order or decree as may be made upon the defendants
appearing and nothing definite, which bond will be
filed in the papers of the cause, the Sheriff will
report his action and the cause is continued.

At M. City, Sur. for M.

vs. Secor

Geo. W. Colson

Exhibits on the 3rd
page 284.

James W. Brown, Clerk.

Exhibits Secor

vs. Colson
page 284, 285

A. M. Colby curate for

vs.

John W. Colson

vs. J

John W. Colson

This day John M. Cook personally appeared before me and made oath that John W. Colson is a non resident of this commonwealth, and that he is indebted to the plaintiff in this suit in the sum of \$2.50. with legal interest thereon from the 3^d day of Oct 1886, and in the sum of \$2.50. with legal interest thereon from the 4th day of Jan. 1886.

Given under my hand this 19th Sept 1887

James H. Orr, Clerk.

A.M. City sur. fine

as D. Affidavit

John W. Calver

Virginia

In the clerk's office of the County Court of Lee County, 17th
September 1872.

Mr. H. E. S. Dismore & Co for do

against

John W. Nelson

Plaintiff

Defendants.

L. Chancery

The object of this suit is to subject the defendants interest in the lands annexed by his father Arua Nelson deceased, to the payment of the plaintiffs claim, and to sell so much thereof as may be necessary to pay and discharge the same, and it appearing from an affidavit filed in the cause, that the defendant is a nonresident of this Commonwealth, he is therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

A copy,

A copy,
Liste James W Orr. Clerk.

I James W Orr Clerk of the County Court of Lee County Virginia
do certify that on Monday the first day of the October term 1872
of said Court I posted a copy of the above order on the front
door of the Court house of said County.

James W Orr. Clerk.

A. J. Ely Surveyor for &c

Copy of Order of Publication

John W. Nelson

Ely mailed to Patriot & Co.
at Marion Ia, Sept 20/72
James W. Orr. Clerk.

On or Before the first of November Next I promise to
pay to A. M. Ely & Co Nine dollars and ¹⁰⁰ 55 Cents for
Value Rec^d as Witness my hand and Seal Oct 2nd 1886

Test
Wm. M. Ely

John W. Ely

John Colson

Salisbury

To Note } \$ 90.50

To A. M. Ely } \$ 10.00

To

To

758-
750
17.00

~~\$7.50~~

One day after date I bind myself
Heirs &c to pay to Am Ely &c Seven
Dollars and 50 Cents for value received
Wit neys my hand and seal ~~Aug~~ 3rd 1856

John W Colson *adac*

John W. Cossau

To Note

~~Aug 11 58~~

C. W. 848/2

Char Hamilton
Admstr.

" O. D. "

VIRGINIA: In the clerk's office of the
county court of Lee county, September
19, 1872.—

A. M. Ely, Survivor; &c., for &c.,.....Pl'tff
against

John W. Colson.....Def't
In Chancery.

The object of this suit is to subject the de-
fendant's interest in the lands owned by his
father, Arva Colson, deceased, to the pay-
ment of the plaintiff's claim, and to sell so
much thereof as may be necessary to pay
and discharge the same.

And it appearing from an affidavit filed in
the cause that the defendant is a non-resi-
dent of this Commonwealth, he is therefore
ordered to appear here within one month
after due publication of this order, and do
what is necessary to protect his interest in
this suit.

A copy.—Teste,
sept 26-4w JAMES W. ORR, Clerk.

*Pross a to P. Ely, a v
John W. Colson, a v
his father, deceased, a v
plaintiff's claim, a v
the defendant's interest, a v
the lands owned by his
father, Arva Colson, deceased, a v
the payment of the plaintiff's claim, a v
to sell so much thereof as may be necessary to pay
and discharge the same, a v
And it appearing from an affidavit filed in
the cause that the defendant is a non-resident of this
Commonwealth, he is therefore ordered to appear here
within one month after due publication of this order, and
do what is necessary to protect his interest in this suit.
A copy.—Teste,
sept 26-4w James W. Orr, Clerk.*

L. M. 1872

22

Mr. 1872

Recorded in. Lead Book
No 16, page 842.
James M. Orr, Clerk.

Notice

And for Sale

Whereunto is a decree rendered in a Chancery
Cause pending in the County Court of Lee
County Va between A. M. Ely for & is plaintiff
and John W. Colson is defendant. & The
undersigned Sheriff of said County will
sell on the day of
at the residence of Sarah Colson widow of
Arva Colson dec'd. the interest of John W. Colson
in the lands which descended to him from
his father Arva Colson situated in said
County near Cumberland Gap - which sale
will be made to satisfy a decree rendered in
said Cause, but if a less quantity than the whole
shall satisfy said decree then only so much
as may be necessary for this purpose & shall be
sold - The sale will be made on a credit
of 12 months bond with security waiving the
homestead during interest from the day of sale
shall be required,

Adm Elyou is
of Notice
In the below

The Commonwealth of Virginia.

To the Sheriff of Lee County.... GREETING:

WE COMMAND YOU TO SUMMON

John W. Calson

to appear before the Judge of our County Court of Lee County, at the Court House in the Clerk's Office, at Rules to be holden for said Court on the first Monday in October

next to answer a bill in Chancery exhibited in our said Court by and against him by A. M. Egle
Successing partner of himself and Charles Cook and S. S. Niles deceased,
late merchants and partners trading under the firm and style of A. M. Egle & Co
and assigns for the benefit of John H. Cook and Charles H. Cook Administrators of Charles Cook decd.

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court House, this 19th day of September 1872 in the 27th year of the Commonwealth.

James W. Orr. Clerk.

A copy

James W. Orr Clerk.

The proper affidavit having been made, the officer serving this process, is ordered to attach the Estate of John W. Colson, and the same in his hands so attached, so to secure and provide that the same may be forthcoming and liable to the future order of the Court.

A copy
Teste James W. Orr Clerk.
James W. Orr Clerk.

THE COMMAND FOR TO SUMMON

To the Sheriff of Lee County...
BREKIDING

The Commonwealth of Virginia

County of Lee County, in the State of Virginia

James W. Orr Clerk

1864

The Commonwealth of Virginia.

To the Sheriff of Lee County.... GREETING:

WE COMMAND YOU TO SUMMON

John H. Culler

to appear before the Judge of our County Court of Lee County, at the Court House in the Clerk's Office, at Rules to be holden for said Court on the first Monday in October

next to answer a bill in Chancery exhibited in our said Court ~~by~~ against him by *A. W. Edg* ~~James~~ *being partner of himself and Charles Bank and H. L. Niles deceased, late merchants and partners trading under the firm and style of A. W. Edg & Co, who sue for the balance of John H. Bank and Charles H. Bank debt of Charles Bank dead.*

And have then there this writ. Witness JAMES W. ORR, Clerk of our said Court, at the Court House, this *19th* day of *September* 1872 in the *7th* year of the Commonwealth.

James W. Orr Clerk.

Recd.
A. M. Ely Surveyor

18 1/2 Acre in Chancery

John W. Nelson

October Rules 1872

I have executed the order of
the Court in the case of
John W. Nelson's undivided
interest in the land owned
by his father John Nelson in
his lifetime, which land lies
in the County Virginia, in the
vicinity of Cumberland Gap,
in the town road, near the house
of the late R. M. Ely, decd.
This September 20th 1872

E. Anderson C. S.
for G. F. Hamilton, J. S. C.

The proper applicant having been made the office bearing this
process is referred to school. To date of Jan. 11 Nelson and the
same in his hands is attached, so to secure and provide that
the same may be forthcoming and liable to the future owner
of the land.

James M. Orr Clerk